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CHARLES ELMORE CROPLEY
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1946

No. 342

DANIEL BIRMELI DINGMAN,
Petitioner,

vs.

UNITED STATES OF AMERICA,
Respondent.

MOTION BY PETITIONER FOR LEAVE TO FILE A SECOND PETITION FOR REHEARING

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January 22, 1947.

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Petitioner, Daniel Birmeli Dingman, respectfully moves the Court that an order be entered granting petitioner leave to file forthwith the accompanying second petition for rehearing of the Court's order of October 14, 1946, which order denied the petition for a writ of certiorari herein.

The grounds for said motion are the following:

1. The first petition for rehearing herein was filed December 18, 1946* and denied by the Court's order of December 23, 1946.

2. On December 23, 1946, the Court handed down its unanimous decisions in the cases of *Gibson* v. *United States* and *Dodez* v. *United States,* Nos. 23 and 86, October Term, 1946.

*Time for the filing of such petition for rehearing was extended by the orders of the Court, respectively, of October 28, 1946 and December 4, 1946.

3. For the reasons stated in the accompanying second petition for rehearing, petitioner believes that it will appear that, in view of the decisions in the *Gibson* and *Dodez* cases, it could not be otherwise than arbitrary and capricious, to continue to deny petitioner certiorari herein.

4. For the reasons stated in such second petition for rehearing, petitioner believes it will appear that the summary disposition of the first petition for rehearing was not justified, and that such petition should now have the further and more mature consideration of the Court.

Respectfully submitted,

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